THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7520 of 2007

Dated:20.04.2007

Between:

Mr.G.Aseervadam.

... Petitioner

AND

The District Industries Center and another.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7520 of 2007

ORDER:

The petitioner was granted a lease/licence under the Prime Minister Rojgar Yojna to start a Canteen at the District Industries Centre (DIC), Hyderabad. The petitioner started the Canteen after entering into a lease deed dated 19.03.2004 for a period of eleven months. The petitioner statedly requested for a period of seven years lease so as to make the project feasible. According to the petitioner, the respondents promised him to extend the lease for a minimum period of five years. Believing this, the petitioner availed loan from the Andhra Bank, renovated premises and running the Canteen. On 13.02.2007, the second respondent issued a notice for termination of lease agreement, *inter alia*, on the ground that the petitioner has sublet the premises to a third party for running Curry Point. The petitioner sent a reply on 21.02.2007 denying the allegation. However, by letter, dated 28.02.2007, the petitioner was asked to vacate the premises on or before 15.04.2007. Aggrieved by the same, the present Writ Petition is filed.

Initially, the matter was heard at preliminary stage on 12.04.2007. Learned Counsel for the petitioner raised only ground that even when the petitioner is squatting on the premises after expiry of the lease, respondents cannot forcibly evict the petitioner without following due process of law either by filing a suit or taking action under the provisions of the Andhra Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1968 (for short 'the Act').

The learned Assistant Government Pleader opposed the Writ Petition, took time and filed a counter affidavit. In the counter affidavit General Manager of DIC does not dispute that unless and until due process of law is followed, the petitioner cannot be evicted. It is also further averred in the counter affidavit that notice was issued to the petitioner after expiry of lease and no steps were taken to evict him forcibly.

In view of the counter averments the Writ Petition is disposed of observing that unless and until, the petitioner is evicted from the leased/licensed premises in accordance with law either under the Act or by a method known to law, the respondents cannot prohibit the petitioner from running Canteen at DIC. No costs.

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(**V.V.S.RAO, J**)

20.04.2007
vs